

Probation Order

(Prison)

Canada: Province of British Columbia

Ban on Publication CCC 486.4(2)

BAN ON PUBLICATION
see attached
486.4(2)

Police File No.
704:12-10260

Court File No.
2040:225268-4-C

IND

Primary Enf. Agency:

☐ Interpreter present

Section:

D.O.B.:

Proceeded: By Indictment

Whereas on **September 11, 2012** at **Vancouver**, British Columbia,

Kayla Alexina Nelis Bourque

(the "offender") was convicted or found guilty, as the case may be, upon the following charge(s) and on **November 28, 2012** the Court adjudged that the offender be **imprisoned** in the Province of British Columbia as follows:

I have read or have had read to me and understand a total of 3 Charges on 1 Charges Attachment Page

and in addition thereto, that the said offender comply with the conditions hereinafter prescribed:

Now, therefore, the said offender shall for the period stated above, from the date of expiration of imprisonment, comply with the following conditions, namely, that the said offender shall:

I have read or have had read to me and understand a total of 46 Conditions on 4 Conditions Attachment Pages

Dated / Fait le **November 28, 2012** at / à **Vancouver**, British Columbia / Colombie-Britannique

I, the undersigned offender, acknowledge that I have received:

- a copy of the Probation Order
- an explanation of the substance of the sections dealing with changes to the Probation Order and failing to comply with the Probation Order (Sec 732.2(3) and (5), and Sec 733.1), and
- an explanation of the procedures for applying for changes to the Probation Order,

and that I understand the terms of this Probation Order and the explanations which I have received.

Offender / Contrevenant(e)
Address / Adresse :

**75-8888 University Or
Burnaby, BC, Canada**

Phone Number / Numéro de téléphone : **(604)354-3996**

Je, le(la) contrevenant(e) soussigné(e), reconnais que j'ai reçu :

- une copie de l'Ordonnance de probation
 - une explication du contenu des articles ayant trait aux changements apportés à l'Ordonnance de probation et au défaut de se conformer à l'Ordonnance de probation (Art. 732.2(3) et (5), et Art 733.1), et
 - une explication des procédés à suivre pour faire une demande de changements à l'Ordonnance de probation,
- et que je comprends les conditions de cette Ordonnance de probation et les explications que j'ai reçues.

A Judge or a Clerk of the Court on behalf of / Un juge ou greffier du tribunal au nom du Juge / juge **M O MacLean**

Probation (Prison)

**Ordonnance de probation
(prison)**

Nu. de dossier de la police Nu. de dossier du greffe
704:12-10260 2040:225268-4-C

IND

Canada: Province de la Colombie-Britannique

☐ Interprète présent

Ban on Publication CCC 486.4(2)

Org. prim. d'app. de la loi :

D.D.N. : [REDACTED]

Procédé : par mise en accusation

Attendu que le **September 11, 2012** à **Vancouver**, Colombie-Britannique,

Kayla Alexina Nelis Bourque

(le(la) <<contrevenant(e)>>) a été condamné(e) ou reconnu(e) coupable, selon le cas, de l'(des) infraction(s) suivante(s) et le **November 28, 2012** le tribunal a décidé que le(la) contrevenant(e) soit **incarcéré(e)** dans la province de la Colombie-Britannique comme suit :

J'ai lu ou j'ai m'a lu et je comprends 3 inculpations sur 1 page de l'Annexe des inculpations

BAN ON PUBLICATION

See attached

Section: 486.4(2)

et, de plus, que ledit (ladite) contrevenant(e) se conforme aux conditions prescrites suivantes :

Pour ces motifs, ledit (ladite) contrevenant(e) devra pour la période ci-dessus prescrite à compter de la date d'expiration de la sentence d'emprisonnement, se conformer aux conditions suivantes, notamment que ledit (ladite) contrevenant(e) devra :

J'ai lu ou j'ai m'a lu et je comprends 46 conditions sur 4 pages de l'Annexe des conditions

Probation (prison)

**Probation Order/
Ordonnance de probation**

(Prison/ prison)

Canada: Province of British Columbia

Province de la Colombie-Britannique

Police File No./

Nu. de dossier de la police

704:12-10260

Court File No./

Nu. de dossier du greffe

2040:225268-4-C

BAN ON PUBLICATION
see attached

Ban on Publication CCC 486.4(2)

Re/ Objet: **Bourque**

Section: 486.4(2)

D.O.B./ D.D.N.: [REDACTED]

**Charges Attachment/
Annexe des inculpations**

Count 1, between September 12, 2009 and March 5, 2010, at or near Burnaby BC, did commit an offence of Every one commits an offence who wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or a bird., contrary to section 445.1(1)(a) Criminal Code.

SENTENCE: Order Made; Jail: 1 Month(s) [Actual Pre-Sentence Time in Custody: 6 Month(s)]; Victim Surcharge Exempt; Probation Order: 3 Year(s);

Count 2, between September 12, 2009 and March 5, 2010, at or near Burnaby BC, did commit an offence of killing or injuring animal, contrary to section 445(1)(a) Criminal Code.

SENTENCE: Jail: 1 Month(s) [Actual Pre-Sentence Time in Custody: 6 Month(s)]; Probation Order: 3 Year(s); Victim Surcharge Exempt; Order Made;

Count 3, on or about March 8, 2012, at or near Burnaby BC, did commit an offence of carry/have in their possession weapons/firearms, contrary to section 88(2) Criminal Code.

SENTENCE: DNA Order Secondary; Jail: 1 Month(s) [Actual Pre-Sentence Time in Custody: 1 Month(s)]; Victim Surcharge Exempt; Prohibition, Firearms, Discretionary: 5 Year(s); Probation Order: 3 Year(s);

I have read or have had read to me and understand a total of 3 Charges on 1 Charges Attachment Page/ J'ai lu ou j'ai m'a lu et je comprends 3 inculpations sur 1 page de l'Annexe des inculpations

Probation (prison)/ Probation (Prison)

**Probation Order/
Ordonnance de probation**

(Prison/ prison)
Canada: Province of British Columbia
Province de la Colombie-Britannique

Police File No./
Nu. de dossier de la police
704:12-10260

Court File No./
Nu. de dossier du greffe
2040:225268-4-C

BAN ON PUBLICATION

See attach

D.O.B./D.D.N.:

Ban on Publication CCC 486.4(2)

Re/ Objet: Bourque

Section:

486.4(2)

**Conditions Attachment/
Annexe des conditions**

Condition 1: Keep the peace and be of good behaviour.

Condition 2: Appear before the Court when required to do so by the Court.

Condition 3: Notify the Court or the Probation Officer in advance of any change of name or address, and promptly notify the Court or the Probation Officer of any change of employment or occupation.

Condition 4: You are to be released into the custody of a person, including a police officer, designated by your Probation Officer to transport you to your residence.

Condition 5: Forthwith upon your release, you are to report to nearest Community Corrections Office and you are to report thereafter as and when directed which may include daily in person reporting but reporting in person will not be less than once per week.

Condition 6: You are to report to a Police Officer in the High Risk Offender Unit of Vancouver Police Department as directed by a Probation Officer.

Condition 7: You shall reside at a residence approved of in advance by your Probation Officer and you are not to change that address without the prior written permission of your Probation Officer.

Condition 8: You shall obey the rules and regulations of your residence.

Condition 9: You are not to have any person at your residence between the hours of 6:00 p.m. and 6:00 a.m. each day seven days a week.

Condition 10: You are not to have any person reside at your residence unless that person has been advised in writing by your Probation Officer of the charges to which you have plead guilty and your history.

Condition 11: You shall be subject to a curfew and as such you are not to be outside of your residence between the hours of 6:00 p.m. and 6:00 a.m. daily seven days a week except:

- a) for the purposes of obtaining emergency medical treatment, and if you leave your residence for that purpose, you shall report the next business day to your Probation Officer and advise the Probation Officer of the nature of the treatment you received or requested, and where it was administered.
- b) and except with the prior written permission of your Probation Officer and if you are outside of your residence pursuant to that permission, it must be carried on you.

Condition 12: You shall present yourself at the door of your residence or on the telephone at the request of your Probation Officer or peace officer to ensure compliance with the curfew provisions of this order.

Conditions continue on next Conditions Attachment Page/ Suite à la prochaine page de l'Annexe des conditions

Probation (prison)/ Probation (Prison)

**Probation Order/
Ordonnance de probation**

(Prison/ prison)

Canada: Province of British Columbia
Province de la Colombie-Britannique

Police File No./
Nu. de dossier de la police
704:12-10260

Court File No./
Nu. de dossier du greffe
2040:225268-4-C

BAN ON PUBLICATION
See attached

D.O.B./ D.D.N.: [REDACTED]
Ban on Publication CCC 486.4(2)

Re/ Objet : Bourque

Section: 486.4(2)

**Conditions Attachment/
Annexe des conditions**

Conditions continued from previous Conditions Attachment Page/ Suite de la page précédente de l'Annexe des conditions

Condition 13: You are not to have any association with any person under the age of 18 unless you are in the company of an informed adult approved in advance by your Probation Officer.

Condition 14: You are not to attend any public school, parks, playgrounds, or public swimming pools, or areas adjacent to the swimming pools or any other locations where it can reasonably be expected that persons under the age of 18 are likely to be present unless you are accompanied by an informed adult approved in advance by your Probation Officer.

Condition 15: You are not to possess any pornography of any kind.

Condition 16: You are not to possess any computer or device or telecommunication device capable of accessing the internet. You will allow your Probation Officer or a Police Officer acting on behalf of your probation officer access to your residence to ensure compliance with this term.

Condition 17: You are not to possess any computer software that is designated to eliminate evidence of internet activity.

Condition 18: You may use a computer, including access in the internet, for the sole purpose of seeking employment but only at the offices of Vancouver Probation Service at 275 East Cordova Street, Vancouver, British Columbia and only while being supervised by a person approved by your Probation Officer.

Condition 19: You shall not access any social networking sites.

Condition 20: You are not to possess any cellphones except you may possess one registered in your name which does not have access to the internet. You are to provide the make of the cellphone and its serial number to your Probation Officer and provide your Probation Officer with your cellphone accounts on request to ensure compliance with this term.

Condition 21: You shall attend, participate in, and complete the BC Corrections Branch core programs as directed by your Probation Officer.

Condition 22: At the direction of your Probation Officer, you shall attend the Forensic Outpatient Clinic at 300-307 West Broadway, Vancouver, British Columbia or elsewhere. Participate in psychiatric or psychological assessments, counselling, or educational programming as you are directed to take and to the satisfaction of your Probation Officer.

Condition 23: At the direction of your Probation Officer, you will attend from time to time to your treating physician for the purposes of receiving such medical counselling and treatment as may be recommended except you shall not be required to submit to any treatment or medication to which you do not consent. If you do not consent to any form of medical treatment or medication prescribed to you or recommended, you shall immediately advise your Probation Officer.

Conditions continue on next Conditions Attachment Page/ Suite à la prochaine page de l'Annexe des conditions

Probation (prison)/ Probation (Prison)

**Probation Order/
Ordonnance de probation**

(Prison/ prison)
Canada: Province of British Columbia
Province de la Colombie-Britannique

Police File No./
Nu. de dossier de la police
704:12-10260

Court File No./
Nu. de dossier du greffe
2040:225268-4-C

D.O.B./D.D.N. [REDACTED]

Ban on Publication CCC 486.4(2)

Re/ Objet: Bourque

Section: 486.4(2)

**Conditions Attachment/
Annexe des conditions**

Conditions continued from previous Conditions Attachment Page/ Suite de la page précédente de l'Annexe des conditions

Condition 24: You shall provide your treating physician a copy of this order, and the name and address and phone number of your Probation Officer.

Condition 25: You shall instruct your treating physician that if you fail to take medication as prescribed by him or her, or fail to keep an appointment with him or her, he or she is to immediately advise your Probation Officer.

Condition 26: You shall attend and participate in personal counseling as directed by your Probation Officer.

Condition 27: You shall immediately advise your Probation Officer of any close, intimate, familiar, or familial relationships and refrain from continuing such a relationship until that person has been advised of your criminal record and background in the presence of your Probation Officer.

Condition 28: You shall not associate or have a relationship with anyone named by your Probation Officer which your Probation Officer has reasonably determined to be detrimental to your programming, counselling, or re-integration into the community. If the Probation Officer decides and advises you the association or relationship constitute a risk to yourself or others, you shall end that association or relationship forthwith.

Condition 29: You are not to engage in any area of study, employment, or volunteer work that would bring you into contact with any animals or any vulnerable person which includes but is not limited to the elderly, person under the age of 18, the infirmed, or persons with physical or mental disabilities.

Condition 30: You are to advise your Probation Officer forthwith upon receiving any offer of employment or offer to participate in volunteer work and cease any such employment or volunteer work at the request of your Probation Officer.

Condition 31: You are not to attend any college or university or enrol in any post secondary courses without the prior approval of your Probation Officer.

CFC Condition 32: You are not to possess any weapons as defined in the Criminal Code of Canada including firearms, imitation firearms, ammunition, crossbows, or explosive substance, or any related authorization, licenses, permits, or registration certificates in relation to those.

CFC Condition 33: You are not to possess any knives or other bladed instruments except for the immediate preparation and consumption of food, for the actual course of lawful employment and only at the sites of such employment.

Condition 34: You shall not possess any tool or device that can be used to restrain persons including duct tape, strap, rope, wires, similar items, unless specifically required during the actual course of lawful employment and only at the sites of such of employment.

Conditions continue on next Conditions Attachment Page/ Suite à la prochaine page de l'Annexe des conditions

Probation (prison)/ Probation (Prison)

**Probation Order/
Ordonnance de probation**

(Prison/ prison)
Canada: Province of British Columbia
Province de la Colombie-Britannique

Police File No./
Nu. de dossier de la police
704:12-10260

Court File No./
Nu. de dossier du greffe
2040:225268-4-C

BAN ON PUBLICATION
see attach

D.O.B./ D.D.N.: [REDACTED]
Ban on Publication CCC 486.4(2)

Re/ Objet: Bourque

Section: 486.4(2)

**Conditions Attachment/
Annexe des conditions**

Conditions continued from previous Conditions Attachment Page/ Suite de la page précédente de l'Annexe des conditions

Condition 35: You shall not have in your possession any item that allows you to mask your face or disguise your face or facial core features.

Condition 36: You shall not have in your possession any hypodermic syringe or needles used for such syringes unless permitted under a current prescription given to you by a licensed medical professional.

Condition 37: You shall submit to having your photograph taken upon the reasonable demand by a peace officer or your probation officer or a probation officer.

Condition 38: You are prohibited from owning, having custody or control of, or residing in any premises where animals or birds are present.

Condition 39: Having consented, a probation officer or peace officer acting on behalf of a probation officer may attend any place where you are residing to ensure compliance with this condition.

Condition 40: You shall not leave the Province of British Columbia without the prior permission of the court.

Condition 41: You shall surrender any travel documents in your possession including but not limited to any passport, Nexus card, or enhanced drivers license to the Provincial Court Registry at 222 Main Street, Vancouver, B.C. within 72 hours of your release from custody.

Condition 42: You shall not apply for any travel documents including any passport, Nexus card, or enhanced drivers license during the term of this probation order without the prior written permission of your Probation Officer.

Condition 43: You shall not be found on any campus or property occupied by Simon Fraser University including any adjacent parking lots or student residences.

POR Condition 44: You are not to have any contact, directly or indirectly, via internet or otherwise with [REDACTED]. If by chance you see her, you are to immediately turn and leave the area without word or gesture.

POR Condition 45: You are not to be found within 50 metres of any place known to you to be the residence, place of employment, or educational facility attended by [REDACTED].

Condition 46: The probation order will be reviewed three months after you are released from custody.

I have read or have had read to me and understand a total of 46 Conditions on 4 Conditions Attachment Pages/ J'ai lu ou j'ai m'a lu et je comprends 46 conditions sur 4 pages de l'Annexe des conditions

Probation (prison)/ Probation (Prison)

Important Information for a Person Placed on Probation

1. Changes to a Probation Order

BAN ON PUBLICATION

See attached

Section: 486.4(2)

Note: The first three conditions of this *Probation Order* cannot be changed.

Criminal Code Section 732.2(3)

You may apply to change or cancel a condition of your *Probation Order*, or reduce the time you will be on probation. Ask the Court Registry for an *Application to a Judge* form, to make this request.

The probation officer or the prosecutor may also ask to change or cancel a condition of your *Probation Order*, or to reduce the time you will be on probation.

You may have to appear in court, and the Court may issue a *Warrant* or *Summons* to make you appear.

If any changes are made, you will have to sign the changed *Probation Order* and you will receive a copy.

Criminal Code Section 732.2(5) and Section 730(4)

The prosecutor may ask to have you come back to court if you are convicted of another offence, including breach of probation, as long as:

- you have not appealed that conviction, or
- you are out of time to appeal it, or
- your appeal was dismissed, or
- you do not intend to appeal.

The Court may then:

- revoke a *Suspended Sentence* or a *Conditional Discharge* and give you a different sentence, or
- change the additional conditions, or
- extend your probation by up to one more year.

2. Failure to Comply with a Probation Order

Criminal Code Section 733.1

If you are on probation and fail to comply with the order, you can be charged with "breach of probation". If the Court finds you guilty of a breach of probation, you can be sentenced to:

- a jail term for up to two years, if the Crown proceeds by indictment, or
- a jail term for up to eighteen months, or a fine of up to \$2,000.00, or both if the Crown proceeds by summary conviction.

Your court appearance for a breach charge does not have to be where your *Probation Order* was made. You may appear in the court closest to where the offence happened, or where you were found, arrested, or in custody.

3. Changes to Personal Information

If you change your name or address, you must notify the Court or your probation officer of any change in advance. Any changes to other personal information, including your employment or occupation must be reported to the Court or your probation officer. To report any changes, you should ask the Court Registry or your probation officer for a *Notice of Change of Personal Information* form.

This is an information sheet. In the event of any conflict between this information and any Act(s) or law, the provisions of the Act(s) apply.

Probation (prison)/ Probation (Prison)